

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

SUZANNNE VALERIE,
Personal Representative for the
Estate of Anthony McManus,

Plaintiff,

v.

Case No. 2:07-cv-5
HON. R. ALLAN EDGAR

H. TIM ANSELL, et al.,

Defendants.

ORDER

Defendants Dr. Fernando E. Fontera and Nancy Hulkoff have made motions to dismiss the plaintiff's first amended complaint against them under Fed. R. Civ. P. 12(b)(6). The motions [Doc. Nos. 72, 75] were referred to Magistrate Judge Timothy P. Greeley for a report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. LCivR 72.1. On August 24, 2007, the Magistrate Judge submitted his report and recommendation. [Doc. No. 100]. The parties have not timely filed any objections. After reviewing the record, the Court **ACCEPTS and ADOPTS** the report and recommendation pursuant to 28 U.S.C. § 636(b)(1) and W.D. Mich. LCivR 72.3(b). Accordingly, the defendants' Rule 12(b)(6) motions to dismiss [Doc. Nos. 72, 75] are **DENIED**.

SO ORDERED.

Dated: October 1, 2007

/s/ R. Allan Edgar
R. ALLAN EDGAR
UNITED STATES DISTRICT JUDGE